

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MILTON BOYER and KATHY BOYER,

Plaintiffs,

v.

14-cv-286-wmc

WEYERHAEUSER COMPANY et al.,

Defendants.

RICHARD MASEPHOL,

Plaintiff,

v.

14-cv-186-wmc

WEYERHAEUSER COMPANY et al.,

Defendants.

JANET PECHER, individually and as
Special Administrator on behalf of the
Estate of Urban Pecher,

Plaintiff,

v.

14-cv-147-wmc

WEYERHAEUSER COMPANY et al.,

Defendants.

VIRGINIA PRUST, individually and as
Special Administrator on behalf of the
Estate of Valmore Prust,

Plaintiff,

v.

14-cv-143-wmc

WEYERHAEUSER COMPANY et al.,

Defendants.

ROGER SEEHAFFER and JANICE SEEHAFFER,

Plaintiffs,

v.

14-cv-161-wmc

WEYERHAEUSER COMPANY et al.,

Defendants.

WESLEY F. SYDOW and THERESA SYDOW,

Plaintiffs,

v.

14-cv-219-wmc

WEYERHAEUSER COMPANY et al.,

Defendants.

BRIAN HECKEL, Individually and
as Special Administrator for the purposes
of this lawsuit on behalf of Sharon Heckel,

Plaintiff,

v.

13-cv-459-wmc

3M COMPANY et al.,

Defendants.

DIANNE JACOBS, individually and
as Special Administrator for the purposes
of this lawsuit on behalf of Rita Treutel,

Plaintiff,

v.

12-cv-899-wmc

OWENS-ILLINOIS INC. et al.,

Defendants.

STIPULATION OF DISMISSAL

It is stipulated between Plaintiffs and Owens-Illinois, Inc., by their respective attorneys, that:

1. The Court has jurisdiction over the subject matter of these actions and over Plaintiffs and Owens-Illinois, Inc., and venue of these actions is proper in the Western District of Wisconsin.

The Boyer, Heckel, Jacobs, Masephol, Prust, Pecher, and Seehafer actions

2. Plaintiffs' claims against Owens-Illinois, Inc. based on a patent licensing theory of liability (as a licensor of a fireproof door patent) in the *Boyer*, *Masephol*, and *Prust* actions were involuntarily dismissed with prejudice for the reasons stated in the Court's Opinion and Order of August 22, 2014 (*e.g.*, Case No. 3:14-cv-00286-wmc, ECF No. 94) and Opinion and Order of November 4, 2014 (*e.g.*, Case No. 3:14-cv-00286-wmc, ECF No. 116).

3. Plaintiffs' claims against Owens-Illinois, Inc. based on a patent licensing theory of liability (as a licensor of a fireproof door patent) in the *Heckel*, *Jacobs*, *Pecher*, and *Seehafer* actions may be involuntarily dismissed with prejudice for the reasons stated in the Court's Opinion and Order of August 22, 2014 (*e.g.*, Case No. 3:14-cv-00286-wmc, ECF No. 94) and Opinion and Order of November 4, 2014 (*e.g.*, Case No. 3:14-cv-00286-wmc, ECF No. 116).

4. All of Plaintiffs' remaining claims against Owens-Illinois, Inc. in the *Boyer*, *Heckel*, *Jacobs*, *Masephol*, *Prust*, *Pecher*, and *Seehafer* actions shall be voluntarily dismissed with prejudice under Fed. R. Civ. P. 41(a) in exchange for an agreement that Plaintiffs and

Owens-Illinois, Inc. bear their own costs, expenses, and attorneys' fees as to the entire action.

5. Owens-Illinois, Inc.'s pending Motions for Summary Judgment in the *Heckel*, *Jacobs*, *Prust*, *Pecher*, and *Seehafer* actions may be denied as moot.

6. Owens-Illinois, Inc.'s pending Motion for Ruling on Wis. Stat. § 802.025 in the *Boyer* action may be denied as moot.

7. Orders dismissing Owens-Illinois, Inc. from the *Boyer*, *Heckel*, *Jacobs*, *Masephol*, *Prust*, *Pecher*, and *Seehafer* actions consistent with this stipulation shall be entered, and Owens-Illinois, Inc. shall be terminated as a defendant in those cases.

The Sydow Action

8. Plaintiffs' claims against Owens-Illinois, Inc. based on a patent licensing theory of liability (as a licensor of a fireproof door patent) in the *Sydow* action may be involuntarily dismissed with prejudice for the reasons stated in the Court's Opinion and Order of August 22, 2014 (*e.g.*, Case No. 3:14-cv-00286-wmc, ECF No. 94) and Opinion and Order of November 4, 2014 (*e.g.*, Case No. 3:14-cv-00286-wmc, ECF No. 116). However, Plaintiffs' claims against Owens-Illinois, Inc. in the *Sydow* action based on alleged exposure to Kaylo designed, manufactured, and sold by Owens-Illinois, Inc. are not agreed to be dismissed, and shall remain pending subject to paragraph 9 below.

9. Owens-Illinois, Inc.'s Motion for Summary Judgment in the *Sydow* action shall remain pending and the current briefing schedule shall remain in place.

Dated: June 15, 2015

Respectfully submitted,

/s/ Robert G. McCoy (with permission)

/s/ Brian O. Watson

Allen D. Vaughan

Edward Casmere

Robert G. McCoy

Brian O. Watson

Cascino Vaughan Law Offices, Ltd.

Schiff Hardin LLP

220 S. Ashland Ave.

233 S. Wacker Dr. Suite 6600

Chicago, IL 60607

Chicago, Illinois 60606

(312) 944-0600

(312) 258-5500

(312) 944-1870 (facsimile)

(312) 258-5600 (facsimile)

Attorneys for Plaintiffs

Attorneys for Owens-Illinois, Inc.

CERTIFICATE OF SERVICE

The undersigned attorney certifies on June 15, 2015, these papers were filed with the Clerk of the Court for the United States District Court for the Western District of Wisconsin using the CM/ECF system, which will send notification of such filing upon all parties who have appeared.

/s/ Brian O. Watson

Brian O. Watson